

# **EXHIBIT A**

Robbie D. Jones

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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

ROBBIE D. JONES, )  
Plaintiff, )  
v. )  
COMMISSIONER STAN TAYLOR, ) Civil Action No.  
WARDEN RICK KEARNEY, ) 04-1523-JJF  
SGT. BARRY BILES, and TEANNA )  
BANKS, )  
Defendants. )

Deposition of ROBBIE D. JONES taken pursuant to notice at the Sussex Correctional Institute, Georgetown, Delaware, beginning at 1:25 p.m. on Wednesday, June 13, 2007, before Robert Wayne Wilcox, Jr., Registered Professional Reporter and Notary Public.

APPEARANCES:

ROBBIE D. JONES (pro se)  
SBI# 313356  
Sussex Correctional Institute  
Georgetown, Delaware 19947  
for himself,

STACEY XARHOULAKOS, ESQ.  
STATE OF DELAWARE DEPARTMENT OF JUSTICE  
820 North French Street - 6th Floor  
Wilmington, Delaware 19801  
for the Defendants.

ALSO PRESENT: SHANE TOWNSEND, SCI

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<p>1       Q. But I'm just trying to understand if you 2 really know what Commissioner Taylor does. 3       A. No. I didn't -- I don't understand his whole 4 job. I just -- I only understand what I see, you know, 5 and what I've been told.</p> <p>6       Q. If I told you that his job was primarily 7 administrative, budgetary, would you have reason to 8 disbelieve me?</p> <p>9       A. No.</p> <p>10      Q. You named him as a defendant.</p> <p>11      A. Yes.</p> <p>12      Q. So can you just put into words for me what you 13 feel he did to violate your rights?</p> <p>14      A. Basically because I wrote to -- like I said, I 15 wrote to Stan Taylor. And I told him what was going, 16 asked him to investigate it. And I named him in my 17 lawsuit because this is not a one-time event with this 18 particular person, Sergeant Biles. It's -- this is 19 ongoing. This has been going on before I came down here. 20 It was going on before it happened to me. It was -- and 21 it probably went on after it happened to me. So I felt 22 as though like he needs to be held accountable, because 23 I'm sure I'm not the only person that's ever spoken up 24 about it.</p>	<p>1       or that he helped to make or -- however they go about 2 that. And like I said, I'm sure I'm not the first person 3 that spoke up about it -- almost 100 percent sure that 4 I'm not the first person who spoke up about this issue. 5 And nothing was done about it. So, like I said, it 6 should -- I named him because it shouldn't have never 7 happened to me.</p> <p>8       Q. What issue?</p> <p>9       A. About the assault on inmates here.</p> <p>10      Q. So you're not alleging that he was personally 11 involved with assaulting you?</p> <p>12      A. No.</p> <p>13      Q. Okay.</p> <p>14      A. No, no.</p> <p>15      Q. Your allegation is just that he should have 16 done something --</p> <p>17      A. Yes.</p> <p>18      Q. -- to prevent it before it happened?</p> <p>19      A. Yes, yes.</p> <p>20      Q. Okay. What would you have wanted him to do?</p> <p>21      A. Well, the first thing is I feel like if he 22 knew -- like I said, I'm going to assume that he did know 23 that this particular officer was assaulting inmates, that 24 it's been complained about before -- that this officer</p>
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<p>1       Q. So did you name him because of your suit or 2 because of what you feel is happening with other people?</p> <p>3       A. Because of my suit.</p> <p>4       Q. How do you know that he didn't investigate?</p> <p>5       A. Because he never came -- he never talked to 6 me. And my grievance was sent back in -- like I said, 7 he's not the only person that I wrote to ask can this 8 matter be looked into. And I'm not -- well, according to 9 the person's letter that wrote me, they were supposed to 10 contact him. Whether they did or not, I don't know. But 11 I assume that they did because they wouldn't have to 12 reason to write me and say we'll contact him. And 13 nothing was ever done. Nobody -- you're the first person 14 that's even came to see me about it, actually.</p> <p>15      Q. Okay.</p> <p>16      A. And the DCJ -- Delaware Justice Center or 17 Center for Justice -- they came to me too.</p> <p>18      Q. Okay. So because of the letters that you 19 wrote to him and because no one came to talk to you is 20 why you named Stan Taylor?</p> <p>21      A. No. I named Stan Taylor because, like I said, 22 this -- I feel as though it should have never happened to 23 me. Because there's a procedure that I'm sure that the 24 officers have to follow that I'm sure that he knows about</p>	<p>1       should have been dealt with accordingly. You know, if he 2 needs to go to counseling to find out if he has personal 3 problems or psychological problems, then so be it. Or if 4 the officer needs to be reassigned or even if the officer 5 needs to be fired. I feel as though that's what should 6 have been done.</p> <p>7       Q. You say you assume that he knew. Why are you 8 under that assumption?</p> <p>9       A. Because one thing that I've learned is that 10 certain behaviors -- I mean, even you dealing in the 11 justice system, you know that certain behaviors are not 12 just -- they just don't appear. You don't just start 13 doing something one day. You do it until you get caught. 14 So I'm of the assumption that I'm not the first person 15 that spoke up about this particular officer, like I said. 16 Even I witnessed with my own eyes that he has assaulted 17 other inmates in that building. And they spoke up about 18 it and nothing was done.</p> <p>19      Q. Even just arguing in assuming that this 20 officer had been complained about before, what makes you 21 think that they complained to Commissioner Taylor?</p> <p>22      A. Because, like I said, there's a chain that you 23 have to follow. You know, you appeal your grievances, 24 because your grievance is going to come back</p>

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<p>1 maced. When they was bringing him over, Biles was saying      2 something to him. He said something back. And then      3 Biles just punched him in his face.</p> <p>4 Q. Did he file any grievances that you know of?</p> <p>5 A. He was supposed to. I don't know if he did or      6 he didn't, because, like I said, they took me out of      7 ASDA.</p> <p>8 Q. Do you know if he's filed suit?</p> <p>9 A. No. He's home now on the streets.</p> <p>10 Q. Okay. Who is Rick Kearney?</p> <p>11 A. The warden. Well, he was the warden. I don't      12 know his title now.</p> <p>13 Q. Have you ever met him?</p> <p>14 A. No.</p> <p>15 Q. Have you ever spoken with him?</p> <p>16 A. Not personally.</p> <p>17 Q. Did you write any letters to him?</p> <p>18 A. Yes.</p> <p>19 Q. Were these the same that were C-copied to      20 multiple people, or did you write a separate letter?</p> <p>21 A. I wrote him a -- no. I wrote him a separate      22 letter explaining the whole situation to him. And I sent      23 him a copy of my grievances. And I sent him a copy of my      24 write-up. And I never heard nothing back from him.</p>	<p>1 Biles. They said if I had -- if I wanted -- actually,      2 the counselor -- I told the counselor what was going on.      3 And she said if you don't want to be in this building you      4 have to sign a protective custody. I said I'm not doing      5 that. I'm not going to sign a protective custody,      6 because protective custody -- as far as I know, you go to      7 ASDA or you come back here to behavior mod. And I'm not      8 going to lose all my rights and privileges just to get      9 away. I just got to have witnesses around whenever I      10 speak to this officer.</p> <p>11 Q. So you think that since nobody talked to you      12 and nothing happened that there --</p> <p>13 A. Yes.</p> <p>14 Q. -- wasn't an investigation?</p> <p>15 A. Yes.</p> <p>16 Q. But you don't know what the warden did --</p> <p>17 A. No. I don't know for sure.</p> <p>18 Q. -- or did not do?</p> <p>19 A. Yes. I don't know for sure.</p> <p>20 Q. You were disciplined for this incident;      21 correct?</p> <p>22 A. Yes.</p> <p>23 Q. Now, isn't the disciplinary procedure itself a      24 form of an investigation?</p>
<p>1 Q. Did you give me a copy of that letter with the      2 discovery I asked for?</p> <p>3 A. No.</p> <p>4 Q. Do you have a copy of it?</p> <p>5 A. No. I never made a copy of it. No.</p> <p>6 Q. What do you think he did specifically in      7 relation to this incident that violated your rights?</p> <p>8 A. Failed to initiate the investigation, failed      9 to act on that investigation, had he ever done one.      10 That's it. Again, he's -- he never came and talked to me      11 to find out what happened, because I didn't just jump up      12 and file this suit. You know, I waited a while. I sent      13 letters out to these people before I filed this suit.      14 You know, if you check the dates, I believe -- I know the      15 incident happened in July. I believe my suit was filed      16 in January.</p> <p>17 Q. How do you know that he didn't investigate?</p> <p>18 A. Because nothing ever happened.</p> <p>19 Q. Do you think just because nothing ever      20 happened that there wasn't an investigation?</p> <p>21 A. Yes. Because I was put back in that same      22 building with this officer. I was never -- they never      23 came and interviewed me. They never said nothing to me.      24 They just put me back in the building with Sergeant</p>	<p>1 A. Yes, it is. Into what I did.</p> <p>2 Q. Wasn't that the same incident that you were      3 disciplined for that you were suing for?</p> <p>4 A. No. Because the incident report is falsified,      5 completely falsified.</p> <p>6 Q. It was on the same date. Correct?</p> <p>7 A. Yes.</p> <p>8 Q. There's just a dispute as to what facts      9 occurred?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. Since we're already there, I'll turn to      12 the disciplinary report. Give me one minute. We marked      13 this as Exhibit 2.</p> <p>14 You've seen this before?</p> <p>15 A. No.</p> <p>16 Q. This is the incident report from that day.      Then if you'll turn the page, it has the disciplinary      hearing decision --</p> <p>17 A. I seen the --</p> <p>18 Q. -- and the appeal.</p> <p>19 A. I seen this. This is the only thing I've seen      from any of this --</p> <p>20 Q. Okay.</p> <p>21 A. -- the hearing decision.</p>

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<p>1 he's the head nigger in charge. Just stuff along that      2 line, you know. It wasn't -- and I'm like, yo, what's      3 wrong with you? Where's this coming from?</p> <p>4 And he said, "You know what you did,"      5 like I said. And he told me -- and I continued to keep      6 cool -- keep my demeanor cool. I kept my hands to my      7 side. I never made no threatening moves, because I know      8 how this dude is. So I kept -- I tried to stay as      9 nonthreatening as possible. And as I say, he told me go      10 back upstairs. So I turned around to go upstairs. And      11 he hit me. And that's exactly how it happened.</p> <p>12 Q. So you were called off your tier for no reason      13 at all, and Sergeant Biles is yelling at you, cursing at      14 you --</p> <p>15 A. Yes.</p> <p>16 Q. -- using profanity --</p> <p>17 A. Yes.</p> <p>18 Q. -- is angry.</p> <p>19 And you just stood there?</p> <p>20 A. Yes.</p> <p>21 Q. You didn't say anything?</p> <p>22 A. I asked him what was it about. And that's it.</p> <p>23 Q. Did you ask him or did you yell?</p> <p>24 A. No. I asked him.</p>	<p>1 Q. At what point were you able to see him?      2 A. When he came to -- when he walked around the      3 table and he came to the office doorway and was like,      4 yo, come on. Come on, Barry. Stop.</p> <p>5 Q. How many inmates are on your tier?      6 A. Forty-eight, I think, are on D tier.</p> <p>7 Forty-eight or forty-four.</p> <p>8 Q. And you have no idea why of those 48 people      9 you were called into Sergeant Biles' office?</p> <p>10 A. No, ma'am.</p> <p>11 Q. Did you have a history with Sergeant Biles?</p> <p>12 A. Exchanged words. Nothing major.</p> <p>13 Q. So why do you think you?</p> <p>14 A. I don't think me. I know me, because he came      15 and did this to me for some reason or another. Like I      16 say, he didn't like me.</p> <p>17 Q. Do you have any reason to believe that they      18 might have thought you did something?</p> <p>19 A. No. Because I wasn't even -- he says in his      20 report that he walked up to me and when I seen him that I      21 left the area. But like I said, I was never outside to      22 begin with. That's the first thing. And the second      23 thing is I don't even remember seeing Sergeant Biles      24 until I came downstairs after Ms. Banks called me. I</p>
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<p>1 Q. Did you say anything else?</p> <p>2 A. Nope.</p> <p>3 Q. You never said anything else, and you just      4 stood there with your hands by your side. Is that what      5 you're saying?</p> <p>6 A. Yes. That's exactly what I'm saying.</p> <p>7 Q. Were you in an office?</p> <p>8 A. Yes.</p> <p>9 Q. Where were you in the office?</p> <p>10 A. I was actually in the office standing -- I was      11 standing by the chair, and he was in the doorway, because      12 I actually had to walk past him to get in the office.</p> <p>13 Q. Was Officer Banks in the office?</p> <p>14 A. No.</p> <p>15 Q. Where was she?</p> <p>16 A. Somewhere in the stair area.</p> <p>17 Q. Could you see her?</p> <p>18 A. No.</p> <p>19 Q. And Officer Seymour, where was he?</p> <p>20 A. I believe he was on the tier doing the punch.      21 Like I said, he had the punch box in one hand.</p> <p>22 Q. But in relation to where you were all      23 standing, could you see him?</p> <p>24 A. No. Not at this time.</p>	<p>1 don't even remember him being outside to know anybody was      2 yelling at anybody.</p> <p>3 Q. Who were you playing basketball with?</p> <p>4 A. Shareef Harris. I only remember Shareef      5 because he was on my team. What's Barnaby's real name?</p> <p>6 I'm trying to think. I had a friend named Barnaby who      7 was down here. Jermaine Mills, Andre Owens. That's      8 about all the names that I can remember specifically.</p> <p>9 Q. Okay. Where do you play basketball?</p> <p>10 A. In the gym.</p> <p>11 Q. Is that inside?</p> <p>12 A. Yes.</p> <p>13 Q. Are there outdoor courts?</p> <p>14 A. Yes. There's one outdoor court.</p> <p>15 Q. Is it next to the gym or a different location?</p> <p>16 A. It's outside of the gym alongside of it.</p> <p>17 Q. But at this time were you playing inside or      18 outside?</p> <p>19 A. I was playing inside.</p> <p>20 Q. Inside?</p> <p>21 A. Yes.</p> <p>22 Q. To get from the gym to the tier, do you have      23 to go outside?</p> <p>24 A. Yes.</p>

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18 (Pages 66 to 69)

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<p>1 Q. Do they both work here?</p> <p>2 A. Yes. As far as I know.</p> <p>3 Q. Do they normally work together?</p> <p>4 A. I couldn't answer that. I don't know.</p> <p>5 Q. Have you ever seen them work together?</p> <p>6 A. Work together?</p> <p>7 Q. Yes.</p> <p>8 A. Not that I can remember. I don't even really know her son like that.</p> <p>10 Q. Did you know at the time that it was her son?</p> <p>11 A. No.</p> <p>12 Q. Did you see any other officers when you were walking?</p> <p>14 A. I don't know who Unit 14 was that day, but you're always going to see Unit 14, because the guard post is right out there in front of the medium building. And I believe Officer Jackson and Officer Banks were doing pat-downs at the door.</p> <p>19 Q. Officers Jackson and who?</p> <p>20 A. Banks.</p> <p>21 Q. Banks?</p> <p>22 A. Yes. Were doing the pat-downs at the door.</p> <p>23 And those were the only officers I remember seeing while I was outside.</p>	<p>1 you?</p> <p>2 A. Yes.</p> <p>3 Q. What did you --</p> <p>4 A. I told her my neck and my arm was hurting.</p> <p>5 Q. What did she say?</p> <p>6 A. She said, "You'll be all right" and sent me out of there. She said, "Get some ice."</p> <p>8 Q. Did you get ice?</p> <p>9 A. Yeah. I got some ice. We were in ASDA. We got an ice cooler in there. I wrapped some ice up in a towel and put it on my neck.</p> <p>12 Q. Do you remember how long it was after the incident that you saw the nurse?</p> <p>14 A. Directly after. When I left medium building, they brought me to MSB building, put me in ASDA, took me out of ASDA, took me to the nurse's office, and put me back in ASDA.</p> <p>18 Q. So would you say it was within a few minutes?</p> <p>19 A. Yes.</p> <p>20 Q. Who took you to the nurse?</p> <p>21 A. I don't remember what officer it was. Biles had dropped me off and went to do whatever he was doing. It was one of the MSB officers.</p> <p>24 Q. Did you walk there?</p>
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<p>1 Q. Did you see a nurse after the alleged incident?</p> <p>3 A. Yes. They took me to medical.</p> <p>4 Q. Do you remember the nurse's name?</p> <p>5 A. No.</p> <p>6 Q. What did the nurse do?</p> <p>7 A. She looked at me, and she said, "You just got a little scratch on your head. You'll be all right." And told them to take me to ASDA.</p> <p>10 Q. You said she looked at you. Did she touch you at all?</p> <p>12 A. Uh-uh. No. Excuse me.</p> <p>13 Q. So how did she look at the scratch on your head?</p> <p>15 A. It was just like -- I believe I turned my head. I'm pretty sure I turned my head and showed her like. And she said, "You just got a little scratch on your head."</p> <p>19 Q. Did she ask you to turn your head?</p> <p>20 A. No.</p> <p>21 Q. Did she do anything else?</p> <p>22 A. She wrote something in a little book in a folder. And that was it.</p> <p>24 Q. Did you tell her anything else was bothering</p>	<p>1 A. Yes.</p> <p>2 Q. How long was the walk?</p> <p>3 A. A couple steps. It's not far.</p> <p>4 Q. Did the nurse give you any type of medication?</p> <p>5 A. No.</p> <p>6 Q. Did you refuse any treatment?</p> <p>7 A. No.</p> <p>8 Q. What happened after you saw the nurse?</p> <p>9 A. Like I said, she said I had a little scratch and I would be all right. She told me to get some ice for my neck and I would be all right and told them to send me back to ASDA. And I went back to ASDA.</p> <p>13 Q. How long did you stay in ASDA?</p> <p>14 A. I believe it was two weeks, because I wrote a grievance on it.</p> <p>16 Q. After you saw that nurse, did you see another nurse?</p> <p>18 A. No.</p> <p>19 Q. Did you see any nurse the next day or on another shift?</p> <p>21 A. No.</p> <p>22 Q. Did you ask to see one?</p> <p>23 A. No.</p> <p>24 Q. Was anything bothering you?</p>

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19 (Pages 70 to 73)

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<p>1        A. After that day, no. It wasn't a lasting      2        injury. It was just, you know, I got roughed up a little      3        bit.</p> <p>4        Q. So your injuries went away after a day?</p> <p>5        A. Yes. The scratch left a little mark, but it      6        wasn't...</p> <p>7        Q. Okay. You said earlier that when you saw the      8        nurse at first you said your neck and arm were bothering      9        you.</p> <p>10      A. Yes.</p> <p>11      Q. What do you mean they were bothering you?</p> <p>12      A. It was just -- it was like a throbbing, a      13     dull, throbbing pain from -- like I said, I got roughed      14     up a little bit, you know.</p> <p>15      Q. That went away after a day?</p> <p>16      A. Yes. It wasn't really too bad. It wasn't      17     nothing major.</p> <p>18      Q. How about your arm?</p> <p>19      A. My arm? I don't even think that lasted the      20     whole time. I think that was just -- it wasn't -- that      21     wasn't nothing major either. I don't even think that      22     lasted a day.</p> <p>23      Q. How do you think your arm became sore, even at      24     all?</p>	<p>1        shouldn't have to live in fear of this guy is going to      2        jump on me for no apparent reason one day or if he's      3        going to come in mad at whatever and take it out on me if      4        something minor happens. You know, I just -- I really      5        want to alleviate the problem. It's not about the money.      6        I want to alleviate the problem.</p> <p>7        Q. Well, this is a court action. I understand      8        you asked for monetary damages. I'll ask you about that      9        in a minute. But what specifically would you want the      10      Court to do that they have the power to do?</p> <p>11      A. First of all, make sure that DOC has a proper      12     training program for the officers as far as using      13     physical force is concerned, make sure that officers go      14     through psychological evaluation as far as, you know, if      15     they're having problems at home or if they suffer a death      16     in the family -- you know, stuff that should be provided      17     to them anyway, because this is stuff that people need.      18     It should be mandatory that DOC provide these type of      19     things -- you know, counseling.</p> <p>20      Then if an officer does have to use      21     physical use, be it minor or be it major, you know, for      22     them to have to file a report, to go through certain      23     procedures and steps to -- after that to make sure that,      24     you know, an investigation is conducted and make sure all</p>
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<p>1        A. I don't know. I just know that all in this      2        area it was hurt.</p> <p>3        Q. In this area? You pointed to your shoulder      4        and arm.</p> <p>5        A. From my neck to my shoulder to like my bicep.      6        All on my left side.</p> <p>7        Q. So you think the arm pain was associated with      8        the neck pain?</p> <p>9        A. Yes.</p> <p>10      Q. Did you ever request any follow-up medical      11     treatment?</p> <p>12      A. No.</p> <p>13      Q. Other than those injuries we talked about, is      14     there any other injuries that you're alleging?</p> <p>15      A. No.</p> <p>16      Q. Okay. What are you seeking from the lawsuit?</p> <p>17      A. Main monitory damages. But, more importantly,      18     I'm looking for this type of behavior to be ended,      19     because it's not right. Because, you know, I don't think      20     that I don't deserve to be punished for this -- for the      21     crime that I committed. I understand that. You know,      22     I'm a big boy. I'm a man. So I understand that you do      23     the crime, you do the time. But at the same time, you      24     know, I have to live here. I shouldn't have to be -- I</p>	<p>1        the facts are straight, you know. Even if it comes down      2        to interviewing inmates that was there and officers that      3        was there.</p> <p>4        Q. Do you think that the officers don't receive      5        training?</p> <p>6        A. Not in depth, no. I'm pretty sure they don't.</p> <p>7        Q. Do you think that there's no psychological      8        evaluation?</p> <p>9        A. No.</p> <p>10      Q. Do you think there's no policies on the use of      11     force?</p> <p>12      A. I believe there is. Is it being followed and      13     enforced? No.</p> <p>14      Q. So I'm just trying -- and maybe it's because,      15     you know, we're not relating or you're not understanding      16     what the courts can do. But let's assume that there are      17     training procedures in place and there are psychological      18     evaluations and there are use-of-force policies.</p> <p>19      A. Mm-hmm.</p> <p>20      Q. If that were the case, what would you want the      21     Court to do?</p> <p>22      A. Like I said, the problem needs to be      23     addressed. The issue needs to be addressed, you know.      24     Like I said -- I mean, let me see. How</p>

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24 (Pages 90 to 93)

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<p>1 A. At the present time, no.</p> <p>2 Q. Are you complaining about your sanction?</p> <p>3 A. Not as far as the lawsuit is concerned, no.</p> <p>4 It was just...</p> <p>5 Q. Okay. Did you just include that information</p> <p>6 for factual?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Because then you go on to talk about</p> <p>9 due process claims. From what we talked about so far, it</p> <p>10 didn't sound like there were any due process claims.</p> <p>11 A. Where?</p> <p>12 Q. The third line.</p> <p>13 A. Oh, yeah. At the time, you know -- like I</p> <p>14 said, when my -- as far as my grievances were concerned,</p> <p>15 I kept -- they kept saying nongrievable. Every one of</p> <p>16 those grievances that's in there says nongrievable,</p> <p>17 housing concern; nongrievable, disciplinary matter. Then</p> <p>18 I write -- then with the disciplinary matter, I wrote the</p> <p>19 appeal out, and it just came back denied. As a matter of</p> <p>20 fact, it didn't even come back. They just -- he just</p> <p>21 told me it was denied. And they sent me back to medium</p> <p>22 building.</p> <p>23 Q. Okay. Maybe let me restate my question.</p> <p>24 Where we are in the litigation now, are</p>	<p>1 A. Like I stated here, there were inmate</p> <p>2 witnesses, but a lot of them are not going -- a lot of</p> <p>3 people ain't going to say nothing, because, you know, for</p> <p>4 fear of retaliation. Some -- no. Nobody in the medium</p> <p>5 building no more. A lot of them are in different</p> <p>6 buildings. Some of them went home. But, I mean, as far</p> <p>7 as like the assault, nobody -- no inmate witnessed the</p> <p>8 assault. They just witnessed the other stuff that</p> <p>9 happened.</p> <p>10 Q. Are there any that you would potentially call</p> <p>11 as a witness?</p> <p>12 A. No.</p> <p>13 Q. Okay. Then you say here that you had</p> <p>14 difficulties with your neck on occasion. I thought you</p> <p>15 said earlier that that resolved in a day.</p> <p>16 A. It did. That was that night it was hurting</p> <p>17 bad. But it resolved itself. That wasn't...</p> <p>18 Q. You didn't write this that night, did you?</p> <p>19 A. No.</p> <p>20 Q. Okay.</p> <p>21 A. But that was mainly concerning that night.</p> <p>22 Q. Okay. Then you talk about the facility being</p> <p>23 plagued with inmate assault and unnecessary inmates --</p> <p>24 spraying inmates with pepper spray.</p>
<p>1 you claiming a violation of due process?</p> <p>2 A. Oh, no. Not --</p> <p>3 Q. Okay.</p> <p>4 A. -- as far as that's concerned.</p> <p>5 No. That's just factual.</p> <p>6 Q. Okay. Are you claiming a violation of equal</p> <p>7 protection?</p> <p>8 A. No. That's just factual too.</p> <p>9 Q. Number of inmates that witnessed the</p> <p>10 incident -- did I ask you that already?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. Let me make sure.</p> <p>13 A. I'm pretty sure you did.</p> <p>14 Q. I think I asked you who you were playing in</p> <p>15 the gym with.</p> <p>16 A. Yes.</p> <p>17 Q. And you gave me those names.</p> <p>18 A. Yes.</p> <p>19 Q. They weren't witnesses to the incident.</p> <p>20 Right?</p> <p>21 A. No.</p> <p>22 Q. I don't know if I wrote that down.</p> <p>23 Can you tell me again if there were any</p> <p>24 inmate witnesses?</p>	<p>1 A. Yes.</p> <p>2 Q. You were not sprayed with pepper spray;</p> <p>3 correct?</p> <p>4 A. No.</p> <p>5 Q. Okay. That is not a part of the allegations</p> <p>6 in this case?</p> <p>7 A. No.</p> <p>8 Q. So is it fair to say that most of this on the</p> <p>9 second page was just put in there for you factually?</p> <p>10 It's not alleging new claims?</p> <p>11 A. No. It's not -- they're not new claims.</p> <p>12 Q. Okay. In your interrogatories you talked</p> <p>13 about a lump on your head.</p> <p>14 A. Yes.</p> <p>15 Q. Okay. You didn't mention that.</p> <p>16 Was that the same as the scratch?</p> <p>17 A. It was a small -- no. It was a small lump.</p> <p>18 The scratch was on top of the lump. It was a little,</p> <p>19 small, tiny lump. And that was what she didn't put in</p> <p>20 the medical report.</p> <p>21 Q. Did that also heal itself within a day?</p> <p>22 A. I believe so, yes. I put ice on it. It went</p> <p>23 down.</p> <p>24 Q. Okay. In 2001, for your current</p>